

## THE MOUNTAINEER.

GREAT SALT LAKE CITY,  
SATURDAY, OCTOBER 29, 1859.

## THE SUBJECT CONTINUED.

MANEED naturally are fond of plain talk and the honest expression of the sentiments of the heart. We have tried to accommodate all hands for a few weeks gone by with ours. It would seem, though, from the remarks of some of our friends, that we are a little in advance of the times. Diplomacy, we are told, is now the order of the day, and double dealing alone can count with our enlightened friends.

Yet, before we enter the lists with old acquaintances on these terms, we wish a few minutes' plain talk.

We chatted last week about writs of "Habeas Corpus," and their practical service in Utah. We fall back into the retrospective again; for, oh! how old times come over and around us, as we watch the taxed clock, doling out to us the hours of our existence.

We have a slight but very distinct and unmistakable recollection of a little affair occurring in our immediate vicinity which called into requisition the knowledge and power of the law. We shall give a synopsis of the facts; and if we err, which we seldom do, we shall submit ourselves to correction.

An officer named Anderson (we believe a captain of Dragoons) passed through our city. His ignorance, or disregard for the rights of American citizens, prevented him from selecting and making the proper preparations for an evening's bivouac. His charges were hungry, and a wheat-field attracted his attention. He charged—this gallant captain of dragoons charged the feeble fence of post and rail, and the government horses and mules (together with a few officers' etceteras, which we do not wish to mention) made to themselves a happy evening on the wheat of some of our honest citizens.

One of the owners of the property appropriated by a parcel of armed intruders remonstrated, and applied for redress. His answer was an arrest and a cold corner in the guard-tent. A writ of Habeas Corpus was procured from his honor the U. S. Judge. What purpose did it serve? The dragoon captain treated it as he would a whine from a subaltern, and said to the amount of:—"Mr. Associate Justice, hands off, if your honor please." And there the matter rested.

A handful of American citizens (old settlers) were ready to settle the matter in a few minutes, and teach the captain a lesson he had not yet learned; but they were respecters of the law, and gave the preference.

A writ of Habeas Corpus, as we have said, was presented over the solemn seal and signature of Judge Sinclair. It was served by the Marshal, spit upon, and trampled under foot! Had the writ been against a citizen, probably the Marshal would have called for a posse of the army, in case of resistance, and the results might have been questions for future consideration.

The writ was resisted. It was the duty of the Marshal to enforce it. Had he called upon the "posse comitatus," Captain Anderson would have been before the judge in a few minutes, and, if necessary, his whole command would have been his companions in the calaboose.

And then the after-clap! They are Mormons! What rights have Mormons in our Great American institutions? "All the world's a stage;" and every man and woman may play his or her own part thereon; but why should Mormons play any part at all?

Was it proper that a detachment of the army, hired as servants and paid by the citizens, should tread over and trample down the honest earnings of twelve months' labor? If so, Captain Anderson was in the right.

Was it proper for American citizens to be humbugged by uniforms and, while taught that their farms were pro-

tected by federal bayonets paid for by themselves, be compelled to see those same farms laid waste by their professionally paid protectors?

If Marshal Dotson had done his duty Capt. Anderson would have been brought a prisoner before his honor, and there compelled to await the judgment of an honest tribunal. His commission and epaulettes gave him no claim beyond that of a citizen. An army officer is but a citizen's protector, at best. We do not live in the land of epaulettes despotism. We hire Generals, Colonels, Lieutenant-Colonels, Majors, Captains, and Lieutenants to serve the people. We humbly and simply want them to learn their proper sphere. If their aristocratic notions do not accord with ours, we have only to say with Milton—

"The world is all before them,  
Where to choose?" &c.

But if they do not choose according to constitutional principles, they have no right to demand their per diem and rations at the hands of the citizens.

What a fuss is made if an old settler perchance a 'Mormon,' claims his rights. According to common ordinary adjudication he can have no rights. Every infernal scoundrel in the country can talk and be heard. The mercenary speculator, who has staked his speculations against the blood of the million, can have his own reckonings acknowledged, but the "sweat of the brow" must take its side in the balance sheet according to the judgment and decision of the well-tutored gambler. For the dimes and dollars we care not. We only ask that the laborer who tills the soil shall have a fair dividend in the grain that soil produces.

We ask fair play! Give first to the honest men who plough the soil their hard-bought rights, and every thing else in honest succession, and we are satisfied. But true Americans will never permit cockades and uniforms to usurp the rights, the fair Constitutional franchise of American citizens.

We talk honestly and in daylight, and are responsible for all we say. The day, we trust, has gone by, when honest men may not talk their honest sentiments. We want truth, the honest truth, to go to everybody. And if we, or either of us, deserve the verdict, let it be given against us, but not against the unoffending.

## OUR TRIP.

We took a notion last Sabbath-day to take an airing in the country, and accordingly made sail for the North in a borrowed ambulance. A drive of about two hours brought us up at the residence of Col. Tom Smith at Farmington, where, he is assured, we did the most unquestioned justice to his hospitality. In Ogden we put up, as usual, with our old friend General West. We were fed and bedded better than Mountaineers generally are used to; and instead of mounting sore-backed ponies with horrid saddles, we found ourselves the next morning seated in a respectable carriage with bay chargers driven by the Weber general himself. We were driven "all over the land;" crossed and recrossed the Weber and Ogden, and were generally delighted with our ride.

"Mind your own business," that good old motto, seemed to influence the whole population where we traveled. At one farm we saw a thrashing-machine; at the next a sugar-mill, Tanneries and weaving-looms in operation on all sides. Every body seemed happy and doing well. Very little mercantile business was being carried on. Foreign importations were rather at a discount. Instead of shelled broad-cloths, we discovered sheep in the pastures and on the hills around. The "harvest home" had been sung and danced over merrily, and plenty seemed to smile all around.

What a contrast, we thought, was presented to us between the present time and eleven years ago. Then there was a wild desert, a few cottonwood trees, and the rumbling of the un-directed waters gave the only relief to general desolation. Now, by the God-

blessed hand of industry, wealth and comfort appeared to spring from barrenness. We were told a people called "Mormons," persecuted and afflicted during many a dark and cloudy day, had accomplished this. But who will believe it? We were told that the land had been cursed by all travelers previously for its fruitlessness. But who would believe that? We were told that this was the invariable history of the present settlers: barrenness was ever before them; industry, fruitfulness and wealth sufficient for happiness accompanied them; while persecution, misery and desolation were in their rear. But who believes it? No matter who. History, written or unwritten, has the facts, and the future must develop them.

We made a hurried call on our friend Bishop Richard Cook, at South Weber Fort, and were hospitably entertained, on our return home. The well-tilled farms and rural comfort in his neighborhood show that though a foreigner by birth, he is not behind the chiefest of the Americans.

During our tour, which occupied from Sunday morning till Tuesday night, we heard not the first discharge of fire-arms, save the emptying of the useless charges of our own pocket-creatures. In Ogden we promenaded Main street for several hours while the sun was hid, and all was calm and still as the abodes of the honest and happy. No "civilization" showed its awful countenance to awaken the honest farmer or mechanic to the realities of modern morality. But who that has lived amid the howlings of importees in our own dear capital can possibly believe that? What care we? There are the living evidences. In Ogden we saw the honest settlers in their pure uncontaminated condition, and could not help contrasting with them some of our quondam acquaintances nearer home.

## TO OUR CONTRIBUTORS.

AGAIN we wish to notify our friends that we cannot consistently give consideration to any contributions that are not accompanied with the full and proper name of the contributor. For our own articles we are jointly and individually responsible; and shall require the same of those who fill our columns of communications. We have in our pigeon boxes some articles that might bear the sun-light without a blush; but we cannot tell their authors, and shall not hand them to our foreman until we know. We have a sincere desire to draw out all the talent we can, from among our friends in Utah, for the general benefit. It is a mistaken idea that ability and literary usefulness are confined to mathematics and classics, or can only issue from the walls of a college. Why, we have heard more soul-stirring eloquence from an unlettered comrade in a cottonwood grove, than ever was listened to in a Senate-chamber. It was the eloquence of the heart. No pompous wordiness, but the plain unvarnished facts, full of the life and vigor of nature. We have stood by and listened to the geometrician and plough-boy in argument, and have seen the lettered individual fret and fume, and finally wipe his spectacles in vanquished despair.

We ask for no labored essays. The most ideas in the fewest words, should be the motto of every essayist or orator who hopes to be successful.

Further we wish our correspondents and contributors to understand that we have not purposed to, nor shall we, make war upon individuals. To great public wrongs and their authors we are enemies. With those who seek to break up all social endearments and introduce into the society of Utah systems of vice and corruption, we have no treaty of peace to make. But beyond this we do not wish to go.

In Utah there is talent, undeveloped talent, of which the proudest rival of Athens would have no need to be ashamed. We wish to have it brought into daylight. To this end, and struggling hard, yes very hard, we have broken the ice, and an open sea and

clear sky are spreading out before all. Ere long we hope to have many a gallant competitor; a magazine in one big city, and a newspaper in another, till every industrious pen shall find employment. Nor shall we be angry if in the blazing march of enlightenment, the poor MOUNTAINEER be compelled to retire, tired and eclipsed, into the cool shades of his own wild groves.

"Full many a gem of pure ray shone,  
The dark, unfathomed caves of ocean bear;  
Full many a flower is born to blush unseen,  
And waste its fragrance in the desert air."

GREAT SALT LAKE CITY.—Through the kindness of our worthy Mayor, we are enabled to furnish our readers with a view of the following correspondence, which will not be read without interest by all our subscribers. Gen'l. Stambaugh continues in the course he began with, and by so doing cannot fail to gain and retain the esteem of all our fellow citizens.

## SURVEYING GENERAL'S OFFICE.

Great Salt Lake City, Oct. 26, 1859.

DEAR SIR:—In pursuance of instructions from the Department of the Interior, at Washington, to examine certain public surveys of lands, heretofore made in Utah Territory, I have completed my arrangements and will place a surveying party in the field, for that purpose, this morning at 10 o'clock. Having determined to examine first the survey of Joseph Troskowski, executed under contract No. 1, the party will commence operations at the point of intersection of the base and principal meridian lines, established at the S. E. corner of Temple Block, and run west on the base line until they strike the S. W. corner of the first township established by him in that direction. Afterwards the examinations will be pursued in such direction as may be deemed best calculated to accomplish the great object in view.

I have delayed making this communication to you, as the chief magistrate of this city, until the present moment, for the reason that I have not heretofore been able to fix on any definite time of starting. I now respectfully beg leave to say, that it will afford me great pleasure to meet you with the party, in the field at any time or place from the star light point to-day, until the service is completed; and this invitation is respectfully extended through you, to the other city or corporate authorities, as well as to the citizens generally.

The instructions issued from the General Land Office, to my predecessor, in April, 1855, say:—"You are not authorized to make any survey of Great Salt Lake City, &c., but you are so to order the work that the lines of the regular surveys shall stop short of, and above interference with, the boundaries of such cities or towns, the special surveys of which are yet to be ordered by law."

As I have not been able to ascertain the precise limits of the city, from any information yet placed before me, and as I desire to effect some appropriate (although temporary) mound or mark on the boundary line, for a future safe reference, I will esteem it a favor if you will enlighten me on this subject, so far as to give me the limits of the city, as understood by the proper city authorities.

I am, respectfully,  
Your friend and obedient servant,  
S. C. STAMBAUGH.  
Hon. Abraham O. Smoot,  
Mayor G. S. L. City.

GREAT SALT LAKE CITY, Oct. 26, 1859.

GEN'L STAMBAUGH:—I received your note of invitation to accompany you on your surveying tour, which would have afforded me much pleasure to have availed myself of the opportunity; but I regret to say that circumstances forbid it at present. I beg leave respectfully to defer it.

I will endeavor to impart to you all the information I have in my possession in relation to the boundaries of our city, and herewith quote from the charter the boundaries as follows:—"Beginning at the south-east corner of the Church Pasture, about half a mile north of the Hot Spring; thence west to the west bank of the Jordan River; thence south, up the west bank thereof, to a point in said bank, directly west from the south-west corner of the five acre lots, and along the south line thereof; thence east to the base of the mountains, thence directly north to a point directly east of the south-east corner of the Church Pasture; thence west to the place of beginning."

I would here observe that the "south-west corner of the five acre lots" is on the north side of the street running east to the Penitentiary.

You will probably be accompanied occasionally in your tour by some of the city authorities—the aldermen of the city or the city marshal—who may be able to give you any necessary information you may hereafter require.

Your obedient servant,

A. O. SMOOT.

STOCK.—The winter is fast approaching; its cold, piercing winds will soon be felt by man and beast. Man has a double duty to perform to prepare for himself, wife, and little ones, and for the ox or horse that plows his fields, draws his wood, hauls his grain to the mill and brings his flour to his gentle house-wife. This duty can only be performed by proper foresight. Warm sheds and provender should be prepared for the draft animal, for the milch cow and calf, as well

as the gentle ewe and lamb, from whose fleece we make our warm linseys, jeans and flannels, as well as socks and stockings, to shield us from the wintry blast. Then, farmers, take our gentle hint, and be mindful of these things.

STRAY POUND.—All persons should beware how they take the oxen, cows, calves, horses, or mules of their neighbors to the Stray Pound. First, those who have a right to take up an animal for breaking into their field, yard, or garden, and have damages assessed, must have a good and lawful fence—five feet high, close and strong, is a lawful fence in Utah. Second, they must make diligent search for the owner of the animal, by finding, from the Brand-sheet, the brand and mark. Until this is done and the owner apprized, if discovered, the Pound-keeper has no right to receive the animal, for if the owner is known the animal is NOT A STRAY!

We clip the following from the "Daily West," St. Joseph, Mo.:

"THE MOUNTAINEER.—This is the name of a paper published in Salt Lake City, the first number of which we have received. It is a paper of very respectable size, and good appearance, and appears to be edited with considerable ability. From the Salutory we learn that it is not the purpose of the editors to advocate any form of religion, and we judge from its general tone that its principal purpose will be to act as the political organ of Brigham Young, and the Saints generally."

The West is well edited, and in point of mechanical execution we consider it second to no newspaper in the Union.

## LOCAL NEWS.

CALIFORNIA MAIL.—We have no mail from California this week, in consequence, as we understand, of attachments on the west end of the route.

DRAGOONS.—Lieut. Livingston's detachment of 2nd dragoons, sent out from the Bear River camp to reconnoitre near Gravelly Ford, passed through this city on Thursday, on their return to Camp Floyd.

SURVEYING.—We learn that Gen'l Stambaugh's suite has been three days in the field, examining portions of previous surveys. The Gen'l has in person accompanied his surveyors and every effort is being made to carry out the instructions of the department. Gov'r Cumming, General Burr, and several other gentlemen accompanied Gen'l Stambaugh and staff.

VIEWS.—On Thursday, Mr. Dan'l Graves, of Provo, exhibited to us five landscape views in water-colors, of parts of Utah Co., which reflected considerable credit on him as an artist, especially when we consider that he has not been in practice for quite a number of years. The views are executed for Gen'l Stambaugh, who, as Mr. Graves informs us, is highly pleased with the style and execution of the paintings.

MURDERER ESCAPED.—It will be remembered that a short time ago a man was killed at Camp Floyd, or immediate vicinity, by a desperado, in a dispute about horse racing. The criminal was arrested and placed in the charge of the Dep. U. S. Marshal, and the prison was in the house of a person at Fairfield, said to be an aider and abettor. Several of the citizens were called upon to guard the prisoner, and a requisition for that purpose, it would seem, was made upon the whole settlement. One evening about three weeks ago, a man, supposed to be the owner of the prison-house, entered the room where the guard and prisoner were, holding in each hand a pistol, and threatening, in the event of resistance, and after making clear way, both decamped. The murderer has not been heard of since, and we have not heard of any efforts being made to recapture him. We understand that little notice was taken of the circumstance by those "having authority."—[Communicated.]

We clip the following from the Boston Statesman, as it has not heretofore been made public to the citizens of this Territory:—

"The following general order was published on parade to the whole command on the receipt of the news of his [Sergeant Pike's] death:—

HEADQUARTERS 10TH INFANTRY,  
Camp Floyd, U. T., August 15, 1859.

GENERAL ORDER No. 63.  
It is with much regret the commanding officer announces to the regiment the death of that most excellent soldier 1st Sergeant Ralph Pike, of Company 1, 10th Infantry, late last night, the victim of Mormon assassination through revenge for the proper discharge of his duty.

The prescribed funeral honors will be rendered

to his memory at 5 o'clock to-morrow afternoon. The officers and soldiers not on duty are invited to attend. By order, Respectfully,  
C. F. BURR.

2d Lieut. 10th Infantry, Adjutant.  
The General Commanding and Staff are invited to attend.  
C. F. S.

"The funeral took place as above, and was the most imposing that has ever taken place in our army on the occasion of the burial of a non-commissioned officer. Three regiments of Infantry, a squadron of Dragoons, battery of light Artillery, and a detachment of Sappers and Miners. The officers of each regiment in full uniform followed in the rear of their respective corps. Gen. Johnson and his staff following in rear of the whole."

## EXECUTION OF THOS. H. FERGUSON.

ABOUT 11 a.m. yesterday, Thomas H. Ferguson was taken out of the prison at the Court house, by U. S. Marshal Dotson and others, and placed in a wagon in front of his coffin. The detachment of militia, ordered out by Governor Cumming for the occasion, and under the command of Major Lott Smith, formed around the wagon. P. K. Dotson, U. S. Marshal; J. F. Stone, Deputy U. S. Marshal; R. T. Burton, County Sheriff; and J. O. Little, City Marshal; and others, being at the head of the procession, it passed, accompanied by an increasing number of spectators, through the city to the gallows, on the bench, a few hundred yards north of the city wall and east of City Creek Canyon.

Mr. J. H. Johnson, Mr. T. S. Williams (one of his attorneys), and another man, by permission, conversed with the criminal. He then ascended the scaffold with a firm step. After which he addressed the people ramblingly for about three quarters of an hour. We have not space to insert more than his views concerning his trial:—

"In eight days after my arrest I was called upon for trial; I was brought forth, and I stood ready to answer for the offences I had committed. Judge Sinclair, who was Judge of this Territory then, after I had made affidavit that my witnesses were not present, which I requested to have, but they could not be found, and which the police and the officers of the Territory could not find; they were gone; it was put off till 10 o'clock the next day. I was not sent for the next day, but the day after that, the Judge called upon me to answer for the crime I had committed; after my lawyers telling him that my witnesses could not be found, and that they had looked for them, but they could not find them; that they had taken out subpoenas, and handed them to Marshal Dotson, but I was obliged to stand my trial without my witnesses, and I am here to answer for the crime which I committed without having an impartial trial."

"I was tried by the statutes of Utah Territory which give a man the privilege of being shot, beheaded or hung, but was it given to me? No, it was not. A Judge Sinclair wanted me to renounce some one to be hung then he was willing to leave the Territory. He had too much whiskey in his head to know what day he sentenced me to be executed on, and would not have known, if it had not been for the people of Utah laughing at him and telling him it would be on Sunday. A nice Judge to send to any country. I am not afraid to die, but would have liked it better if I had had a fair trial; and I would have felt better if Gov. Cumming had commuted my sentence to the penitentiary, that I might have been better prepared to die."

"I hope, gentlemen, that the next Judge that is sent here will be a temperate Judge, a Judge that will be capable of attending to his business; I hope he will be a Judge that will do his business straight."

After closing his public remarks, the condemned man conversed a little with the Marshal, and requested to be prayed with, which was briefly done by Mr. H. Jacobs. Ferguson then said, "Gentlemen, I bid you all farewell."

The rope being adjusted, and a white cap drawn over the culprit's face, at 38 minutes after 12 o'clock Mr. Leonard L. Smith cut the rope which held the drop, and the unhappy man expired in a few minutes. Between 2000 and 3000 people were present. He was immediately buried near the gallows.

J. V. LONG, Reporter.

## COMMUNICATIONS.

## WATCH THE SCOOP.

Provo, Oct. 11, 1859.  
MERRIS EDITORS:—I drop this note so that my friends may not be as sadly disappointed as I was the other morning. Calling at my nearest neighbor's to purchase some tea, he showed me a good article, of which I agreed to take two pounds. To my astonishment, in the morning I had a misty mass of stuff. Therefore I say to my friends, watch the scoop, for it is apt to go astray, dodging under the counter. LEO.

## FROM THE FAR SOUTH.

MERRIS EDITORS:—The official acts of men in public life, by long usage and according to the genius of our national institutions, are the property of the public at large, and are subject to the approval or disapproval of their fellow citizens, to their criticism and analysis. I lay this principle down as one that is well established, both by long and universal practice, during our national existence, and by that fundamental principle expressed in the declaration of independence, that governments derive "their just powers from the consent of the governed." I, therefore, deem apology unnecessary in examining the Report of the Secretary of War, as found in the Message of the President of the United States, delivered at the commencement of the second session of the 35th Congress, 1858-9.

This document is one from which an attentive reader may derive much valuable instruction, but that portion of it relating to affairs in Utah Territory contains several most extraordinary statements, to which I propose calling attention.

We will quote from the Report, page 6: "With the inception and progress of the Mormon rebellion, up to the meeting of Congress last year, the country is familiar. It is familiar also with the importance ascribed to it by Congress, with the reasons assigned by that body, for appropriating the large sums of money necessary for crushing the treason at a single blow."